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June 25, 2013

VIA ELECTRONIC FILING

Hon. William J. Martini
MLK Jr., Fed. Building & Cthse.
Court Room 4D
50 Walnut Street
Newark, NJ 07102

RE: Frost v. Fidopharm, et al.
Civil Action No. 11-6976(WJM)
RE: Cruz v. Hartz Mountain Corp.et al.
Civil Action No. 10-441(SDW)
RE: Smith v. Merial Ltd et al.
Civil Action No. 10-439(WJM)
RE: Vexler v. Summit VetPharm et al.
Civil Action No. 10-440(WJM)
RE: McDonough v. Bayer Health Care Assoc
Civil Action No. 10-442(DRD)
RE: Snyder v. Farnam
Civil Action No. 10-1391(WJM)
Our File: 37,993

Dear Judge Martini:

In anticipation set for tomorrow, June 26, 2013, I wish to provide the relevant citation to a case which I noted when before Your Honor on June 18, 2013. Specifically, I noted the relevance of In re: Hydrogen Peroxide Antitrust Litigation, 552 F.3d 305 (3rd Cir. 2008). I believe that the Court of Appeals' discussion at pages 316-320 concerning the extent of inquiry into the merits as part of class certification is particularly relevant. I would call the Court's attention to footnote 20 which discusses need for limited merits discovery prior to the consideration of a class certification motion.

I look to seeing Your Honor tomorrow.

Respectfully submitted,

/s/Jeffrey W. Herrmann

JWH:bb

Jeffrey W. Herrmann

Cc: All Counsel of Records - Via ECF